

CEO/LPI Frequently-asked Questions

Q: Why have a state-level training program?

A: Training and certification for code enforcement officers was created by Maine law in 1989 as part of the Growth Management Act (30-A MRSA §4451). The legislation required a training program be established by the state to assist municipal code officials administer state and local laws.

Prior to passage of the legislation, Maine lacked a formal training program for municipal code officials, most of whom were enforcing state and local laws. The intent of the legislation was to promote professionalism, as well as consistency in administration and enforcement of environmental regulations and building standards. To a great extent that goal has been achieved, however, it is a never ending mission as new individuals enter the profession continually.

Q: Is the code enforcement officer training requirement an unfunded state mandate?

A: The law, Title 30-A §4451 does not require any new municipal positions. These requirements have existed in other law for a long time. While the law does require training, the state provides it and any essential training manuals free of charge to municipally-employed code enforcement officers.

Q: Is there a charge for the training?

A: Training is provided free of charge for individuals holding appointment as a municipal code officer or local plumbing inspector.

Q: How do I become a certified code officer?

A: Code enforcement officers are municipal officials appointed annually by the elected municipal officers of a city or town. State law requires code officials enforcing any regulations concerned with land use regulation, shoreland zoning, internal plumbing, subsurface wastewater disposal, and building standards to hold proper state certification.

A non-certified individual may be appointed to enforce shoreland zoning regulations, land use regulations, or building standards, however, they must earn state certification within 12 calendar months of appointment. The same 12-month grace period does not, however, apply to appointments as local plumbing inspector. In other words, to be appointed as an LPI an individual must be state certified prior to assuming the position.

All certified code officers must maintain their state certification through continuing education. Failure of appointed code officers to maintain certification may result in a suspension from official duties. Even where a suspension is not applied, any decisions made, or permits issued, by an uncertified code official may be subjected to legal action.

Re-certification is required on a six-year cycle. An individual failing to earn a sufficient number of credits is decertified and must retake the examination.

Basic training is provided to help newly-appointed CEOs/LPIs gain the necessary grounding to pass the certification exams. Individuals are not required to attend all of SPO's basic training sessions, they need only pass the certification exam.

Recertifying individuals need to document sufficient, creditable and approved training to meet their recertification needs. They may repeat the basic training but it is recommended that outside, advanced training supplement the basic training. In any event, the basic training can only be applied to recertification once in any individual's six-year cycle.

Q: How much training do you need before you become certified?

A: No actual training is required to take the certification exam. An individual seeking certification may choose to take the requisite exams without taking any training. Their existing knowledge and experience may have prepared them for the exam, especially with the aid of the self-study training manuals.

But those who have taken the exam feel that the training helps. The Office provides one day of training for each specialty area of certification. An individual's actual job duties will determine which of the specialty area exams they will be required to take (e.g., shoreland zoning, land use/zoning, building standards, internal plumbing, and external plumbing).

For recertification, 12 credit hours of training are needed in each specialty area over six years.

Q: Do you let the town know what training and certification the CEO needs?

A: Yes, we will review the job description that you provide to us.

Q: Do you let towns know whether their CEO has achieved the required certification?

A: Yes, we provide the town and the code officer with this information. When full certification is achieved the individual is issued a certificate and a wallet card.

Q. What is the best way to prepare for the exams?

A: The on-line program training manuals have been developed to assist individuals studying for the exams. There are specialized educational objectives for each manual that serve to guide the student in his or her studies. Very simply, if you can successfully answer the question(s) raised in each objective listed you will have little trouble passing the exam.

It is recommended that you first review the manual by skimming through the material to get familiar with the format and style of the book. Next review the table of contents and index. Now take some time and carefully read the book. And finally, start working through the educational objectives until you are comfortable answering the questions. Now you are ready to schedule an exam.

Q: What sort of work do code enforcement officers perform?

A: A code enforcement officer or CEO may perform a range of duties depending upon the specific municipality they work for and the size of the community. Most CEOs enforce the state's minimum shoreland zoning regulations. CEOs also enforce local land use regulations, such as zoning.

In municipalities with more than 2,000 residents CEOs may also serve as the building inspector. Many CEOs also serve as the local plumbing inspector enforcing the state's plumbing code and the subsurface wastewater regulations. CEOs also work with personnel of various state agencies such as the Department of Environmental Protection, State Fire Marshal's Office, and Division of Health Engineering.

Many communities entrust their appointed CEOs to prosecute land use violations in District Court under Civil Court Rule 80-K. CEOs also may apply for Administrative Inspection Warrants under Civil Court Rule 80-E where property owners are uncooperative in respect to requests to conduct a legal inspection. The work of CEOs is varied, demanding, technically challenging, and very much legal oriented.

CEOs work both outdoors and indoors. The outdoor work may be conducted in all types of weather conditions in hazardous construction sites. The indoor work is typically conducted in a town office or city hall. CEOs frequently attend public meetings of the zoning board of appeals and planning board. CEOs may also be called upon to appear in court and to give sworn testimony. Much of their office time is spent researching legal questions, answering technical code questions, reviewing applications for development, consulting with customers, writing reports, and issuing permits.

Q: We do not have enough money to hire someone full time and pay a good wage. What can the town do to make the job of code enforcement more appealing?

A. An "interlocal agreement" is an administrative tool that some towns use. If neighboring towns, with similar needs, can agree to act jointly and hire one CEO between them, you may be able to reduce administrative costs because the burden is spread out among partners. For example, one town may have available office space and the other may have an extra computer. In addition, the purchase of other resource materials may be shared.

Towns could also examine their permit and review fees to make sure that fees cover the cost of providing the service. Another idea is to examine whether any other part-time positions in your town may be combined with the code enforcement duties, in other words create a full-time position with two part-time jobs.

The municipality could provide incentives to code enforcement officers. They could be allowed to keep a percentage of the permit fees, for example. In addition, it may be that a good benefit package can offset a lower salary (family health insurance, for example). Using skilled retirees who have a pension or a health retirement plan may be one way of making code enforcement services affordable.

A key aspect of keeping qualified code officers is how they are treated by the town. Administering codes is a job full of conflict. A code officer that feels supported by the town fathers is likely to stay in the job for a longer time.

Q: What happens when a town gets sued? Is there any type of funding that will help if a code officer who is doing her job and lands in court?

A: Personal liability for actions taken by a municipal official is very limited under Maine Law. Provided that the official acted properly and in good faith they should have little to worry about because the law protects them. This protection is called statutory immunity. As a matter of practice, Maine municipalities will cover the legal costs incurred in these laws suits, as well as fines an official might have to pay. However, it should be noted that the law does not protect a municipality when it knowingly makes decisions or acts improperly regarding administration and enforcement of ordinances and state regulations. A town's best defense is to make a good faith effort to follow accepted procedure and to make decisions fairly and consistently within the bounds of the law. For more information about legal issues, contact the Maine Municipal Association.

Q: Instead of hiring a code officer, can our planning board enforce the town's shoreland zoning ordinance?

A: Yes, if the entire board is certified in code enforcement for shoreland zoning. In short, every member of the planning board must be a certified code enforcement officer in shoreland zoning. The board must make decisions jointly, although it is okay if one board member performs an inspection and reports the findings back to other board members.

Q: Can the board of selectmen enforce our shoreland zoning ordinance?

A: The Maine Municipal Association recommends that this not be done. There is an inherent conflict of interest between the positions, where one appoints and supervises the other. Maine courts have concluded that where an individual accepts an appointment to a position creating a conflict of interest with another position held, that the first position is automatically vacated. Practically speaking, he or she needs to resign as selectman every time it is necessary to act as CEO and then be reassigned as selectman after the action is completed. The way to prevent this need from arising is to have an alternate CEO appointed.

Q: Why doesn't the Office provide advanced training?

The Legislature changed the requirement for the office to provide advanced training in 2009 as a cost-savings mechanism. Advanced training is provided by numerous professional organizations and is widely available. To assist code officers with getting the credit hours they need for recertification, the Legislature also increased the number of years for which certification is valid, from five to six years.

Q: How is the Code Enforcement Officer Training and Certification Program funded?

A. The program is funded entirely by revenues from state fees: 1) fees collected by the Department of Health and Human Services (Division of Environmental Health) for state plumbing permits, and 2) fees collected by the Department of Public Safety (Fire Marshal's Office) for commercial building fees.